

EXHIBIT A

From: [Patrick Mcpartland](#)
To: [Matthew Craig](#)
Cc: [Roberta Kaplan](#)
Subject: RE: Trump/Carroll
Date: Monday, June 29, 2020 2:59:00 PM

Matt,

We have already informed you that we are withdrawing the affirmative defense.

For the ease of the Court, we recommended a short stipulation memorializing the withdrawal of the defense and withdrawing your motion to strike (which is moot). For reasons best known to you, you have insisted on including sanctions language in the stipulation, despite the fact that your filed motion does not include any request for sanctions.

We are not required to withdraw our defense by stipulation, so we intend to simply alert the Court that the affirmative defense is withdrawn. Your motion is moot and you are very much on notice of that fact.

Pat

Patrick McPartland, Esq.



The Trump Building
40 Wall Street, 32nd Floor
New York, NY 10005
T: (212) 530-4837
C: (917) 647-4094
F: (212) 530-4815
E: PMCPARTLAND@LHRGB.COM



Please, don't print if you don't have to.

This e-mail, and any attachments hereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments hereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by reply e-mail and permanently delete the original and any copy of this e-mail and any printout hereof. Finally, while the company uses virus protection, the recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email.

From: Matthew Craig <mcraig@kaplanhecker.com>
Sent: Monday, June 29, 2020 2:37 PM
To: Patrick Mcpartland <pmcpartland@lhrgb.com>
Cc: Roberta Kaplan <rkaplan@kaplanhecker.com>
Subject: RE: Trump/Carroll

Pat,

I write to follow up on my email from Friday. As noted, if you'd like to effect the withdrawal via

stipulation, we are amenable to a stipulation in which our client reserves her right to seek sanctions and your client reserves his right to oppose. Absent such a stipulation, we will put in our reply papers on the motion to strike tomorrow, per the deadline. We will note in our reply that you informed us before the opposition deadline that your client did not intend to oppose the motion, but that he has not yet taken steps to withdraw his defense and would not agree to a stipulation with a mutual reservation of rights.

Thanks,
Matt

Matthew Craig | Kaplan Hecker & Fink LLP

350 Fifth Avenue | Suite 7110
New York, New York 10118
(W) [929.294.2542](tel:929.294.2542) | (M) [646.719.7443](tel:646.719.7443)
mcraig@kaplanhecker.com

From: Matthew Craig

Sent: Friday, June 26, 2020 9:43 AM

To: Patrick Mcpartland <pmcpartland@lhrgb.com>

Cc: Roberta Kaplan <rkaplan@kaplanhecker.com>

Subject: RE: Trump/Carroll

Pat,

We are happy to acknowledge by email your right to oppose any motion we might make. In terms of the stipulation, however, it is important to us that we maintain consistency in our filings with respect to our reservation of rights. It seems that a mutual reservation of rights in the stipulation is the most straightforward way to accomplish that while simultaneously having your client's defense withdrawn. If you prefer to make a unilateral submission, we understand, and we can simply review your filing and put in whatever response may be appropriate.

Thanks,
Matt

Matthew Craig | Kaplan Hecker & Fink LLP

350 Fifth Avenue | Suite 7110
New York, New York 10118
(W) [929.294.2542](tel:929.294.2542) | (M) [646.719.7443](tel:646.719.7443)
mcraig@kaplanhecker.com

From: Patrick Mcpartland <pmcpartland@lhrgb.com>

Sent: Thursday, June 25, 2020 7:26 PM

To: Matthew Craig <mcraig@kaplanhecker.com>

Cc: Roberta Kaplan <rkaplan@kaplanhecker.com>

Subject: RE: Trump/Carroll

Matt,

Yes, we preserved the affirmative defense in our answer, as was our right. I am glad you do not dispute our right to withdraw it.

Not to belabor the point, but you served discovery on that affirmative defense (and insisted upon the necessity of same). Discovery was stayed, so, needless to say, we were not anticipating motion practice on an issue for which you clearly wanted discovery. In our opinion, you should have reached out to us before you made this unexpected motion (even just for the courtesy of discussing a briefing schedule), at which time we would have informed you that we decided to withdraw the defense.

Regardless, the matter at hand is your current motion to strike (which does not seek sanctions) and our withdrawal of the defense (which moots your motion). That is all that needs to be addressed with the Court in the stipulation.

We will acknowledge by this email that you have not waived any right to make a motion for sanctions, provided that you similarly acknowledge our right to oppose that motion and also cross-move for sanctions. That should take care of any issues on sanction motions.

Assuming this is acceptable, kindly confirm your agreement on the sanctions motion by reply email and return a signed copy of the original stipulation that I forwarded to you.

Thanks,

Pat

Patrick McPartland, Esq.



The Trump Building
40 Wall Street, 32nd Floor
New York, NY 10005
T: (212) 530-4837
C: (917) 647-4094
F: (212) 530-4815
E: PMCPARTLAND@LHRGB.COM



Please, don't print if you don't have to.

This e-mail, and any attachments hereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments hereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by reply e-mail and permanently delete the original and any copy of this e-mail and any printout hereof. Finally, while the company uses virus protection, the recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email.

From: Matthew Craig <mcraig@kaplanhecker.com>

Sent: Thursday, June 25, 2020 2:16 PM

To: Patrick Mcpartland <pmcpartland@lhrgb.com>

Cc: Roberta Kaplan <rkaplan@kaplanhecker.com>

Subject: RE: Trump/Carroll

Pat,

For the avoidance of doubt, we obviously do not oppose withdrawal of your client's personal jurisdiction defense. The reservation of rights language we added to the stipulation is consistent with the position we have always taken with respect to that defense, including in response to your original motion to dismiss on personal jurisdiction grounds back in January. *See* Doc. No. 34 at 6 n.2; Doc. No. 92 at 12 n.12. Although the language we added does not impose any obligations on you, we would be happy to consider language in which you reserve your rights to oppose such a sanctions motion.

We have to admit, however, that we are more than a little surprised by your suggestion that we acted in bad faith in not connecting with you before making our motion. Our position on your client's defense has been clear since January, and your client chose to include the defense in his answer even *after* the Court denied the motion to dismiss on the same grounds. It is difficult to imagine that, despite all of that, your client was simply waiting for us to ask if he had changed his mind, or that your client would have voluntarily dismissed the defense had we called months ago, before Trump made a statement to a group of governors that was inconsistent with the position has long maintained in this litigation.

We are happy to consider a resolution that would obviate the need for our client to reserve her right to seek sanctions and, as noted above, are also open to a stipulation that contains a mutual reservation of rights. We look forward to your thoughts.

Matt

Matthew Craig | Kaplan Hecker & Fink LLP

350 Fifth Avenue | Suite 7110

New York, New York 10118

(W) [929.294.2542](tel:929.294.2542) | (M) [646.719.7443](tel:646.719.7443)

mcraig@kaplanhecker.com

From: Patrick Mcpartland <pmcpartland@lhrgb.com>

Sent: Thursday, June 25, 2020 10:44 AM

To: Matthew Craig <mcraig@kaplanhecker.com>

Cc: Roberta Kaplan <rkaplan@kaplanhecker.com>

Subject: RE: Trump/Carroll

Good morning Matt,

We do not agree to your proposed redline changes in paragraph 3 of the stipulation.

As I told you during our call on Tuesday, had you simply requested that we withdraw the defense prior to making your motion (which you did not), we would have agreed to withdraw it. In any event, the defense was—and remains—a legitimate (albeit disputed) defense, just one we have elected not to pursue. This is self-evident from the very arguments you present in your own motion, which, of course, does not seek sanctions.

Should your client insist on including her "sanctions" language in the stipulation, we will simply notify Judge Saunders that we withdraw the defense. We will further advise her that you rejected our request to withdraw by stipulation (this, after failing to reach out in good faith prior to making your motion).

Finally, as you are surely aware, a meritless sanctions motion by itself is sanctionable.

Kindly advise how your client intends to proceed.

Pat

Patrick McPartland, Esq.



The Trump Building
40 Wall Street, 32nd Floor
New York, NY 10005
T: (212) 530-4837
C: (917) 647-4094
F: (212) 530-4815
E: PMCPARTLAND@LHRGB.COM



Please, don't print if you don't have to.

This e-mail, and any attachments hereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments hereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by reply e-mail and permanently delete the original and any copy of this e-mail and any printout hereof. Finally, while the company uses virus protection, the recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email.

From: Matthew Craig <mcraig@kaplanhecker.com>

Sent: Wednesday, June 24, 2020 7:29 PM

To: Patrick Mcpartland <pmcpartland@lhrgb.com>

Cc: Roberta Kaplan <rkaplan@kaplanhecker.com>

Subject: RE: Trump/Carroll

Pat,

Thank you for your email. We do not disagree that your client has a right to withdraw his affirmative defense at any time, and once it is dismissed with prejudice, Plaintiff's motion to strike becomes moot. As for the stipulation itself, we are speaking to our client, but think it is unlikely that she will enter into a stipulation without the language added in redline to the attached.

Thanks,
Matt

Matthew Craig | Kaplan Hecker & Fink LLP

350 Fifth Avenue | Suite 7110
New York, New York 10118

(W) 929.294.2542 | (M) 646.719.7443
mcraig@kaplanhecker.com

From: Patrick Mcpartland <pmcpartland@lhr gb.com>

Sent: Wednesday, June 24, 2020 5:00 PM

To: Matthew Craig <mcraig@kaplanhecker.com>

Subject: Trump/Carroll

Hi Matt,

Further to our conversation yesterday, see the attached stipulation.

Kindly return an executed copy and we will get it filed.

Thanks and stay well,

Pat

Patrick McPartland, Esq.



The Trump Building
40 Wall Street, 32nd Floor
New York, NY 10005
T: (212) 530-4837
C: (917) 647-4094
F: (212) 530-4815
E: PMCPARTLAND@LHRGB.COM



Please, don't print if you don't have to.

This e-mail, and any attachments hereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments hereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by reply e-mail and permanently delete the original and any copy of this e-mail and any printout hereof. Finally, while the company uses virus protection, the recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email.

This email and its attachments may contain information that is confidential and/or protected from disclosure by the attorney-client, work product or other applicable legal privilege. If you are not the intended recipient of the email, please be aware that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the message from your computer system. Thank you.

This email and its attachments may contain information that is confidential and/or protected from disclosure by the attorney-client, work product or other applicable legal privilege. If you are not the intended recipient of the email, please be aware that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the message from your computer system. Thank you.

This email and its attachments may contain information that is confidential and/or protected from disclosure by the attorney-client, work product or other applicable legal privilege. If you are not the intended recipient of the email, please be aware that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please notify the sender immediately and

destroy all copies of the message from your computer system. Thank you.